

## REMARKS/ARGUMENT

Claims 1 to 17 have been cancelled in favor of new claims 18 to 25; the seventeen cancelled claims being reduced in number to 8 new claims. Of these new claims, claims 18, 22, 23 and 24 are independent claims. The remaining claims 19, 20 and 21 are dependent on claim 18 and claim 25 is dependent on claim 24. The new claims have been formulated and drafted carefully to express the invention described in the specification and illustrated in the drawings more particularly pointing out and more distinctly claiming the invention. Also care was taken to be sure that the new claims complied in all material respects with the requirements of 35 USC Sec. 112.

To this end, the structural limitations recited in claims 18 to 23 are expressed in terms of an improvement to known prior art constructions for container assemblies for mounting on a spray gun that is gravity fed and for which a ventilation port is provided for pressure equalization. The essential novelty of the invention concerns the manner in which the ventilation port for the container is formed as a tapered through hole in a wall of the receptacle for defining a first valve seat. A hollow cylinder defining a valve housing is oriented normal to the receptacle wall and surrounds the ventilation port. The cylinder has a preselected external diameter and an exterior surface extending from the receptacle wall to its open end. The exterior surface of said hollow cylinder defines a second valve seat adjacent the receptacle wall. A valve closure element composed of a cap from which depends an open skirt having an internal diameter substantially equal to said preselected external diameter is received over the open end of said hollow cylinder and is in engagement with the cylinder exterior surface. A first valve element comprised of a support part that extends with clearance from said cap to below the skirt and terminates at its lower end in a tapered plug that cooperates with the tapered hole as a first valve. A second valve element comprised of a portion of the skirt remote from the cap cooperates with the second valve seat as a second valve. The two valves are arranged serially relative to ventilation flow path, which extends from the tapered through hole, between the hollow cylinder and the support part, between the cap and

the open end of the hollow cylinder, between the exterior surface of the hollow cylinder and the skirt, past the second valve. Air enters the ventilation flow path at a lower end of the skirt.

The valve closure element is displaceable relative to the valve housing between a first valve position, in which the ventilation port is closed off two times serially by said first and second valves so the interior of the receptacle is shut off from the environment and any leakage of liquid from the receptacle through the first valve into the ventilation flow path will be trapped by the second valve, and a second valve position, in which both valves are open and an equalization of pressure is achieved via ventilation flow. The valve closure element is releasably held relative to the valve housing in the first and second valve positions.

The point to be stressed is that the cap is always clear of the top end of the hollow cylinder regardless of whether the valves are open or closed. Thus the ventilation flow path is continuous and unbroken at all times. Accordingly, if there is fluid leakage from the first valve into the interstitial space between the support part and the hollow cylinder, it can flow over the top of the hollow cylinder and into the annular space between the hollow cylinder and the depending skirt of the cap, because the cap has a clearance from the top of the hollow cylinder. The second valve, consisting of the valve element of the lower area of the skirt seated on the valve seat of the lower area of the exterior surface of the hollow cylinder, provides a back-up to secure any leakage of liquid through the first valve. This structure is novel and unobvious over the prior art cited during prosecution of this application.

None of the cited prior art is relevant to this invention. More particularly, the principal reference relied upon in the Final Rejection is Douglas et al published application US2003/0209568. This publication concerns use of a flexible sac as the container for storing the liquid to be fed into the paint spray gun by gravity. The air port 8 mentioned in the action refers only to exposing the space between the rigid enclosing frame that

supports the flexible sac containing the paint to be gravity fed to the spray gun to the environment or ambient as the flexible sac shrinks. At no time does any air enter the flexible sac to equalize pressure in the sac as the paint feeds out by gravity. This port 8 is always open. There is no need to close it. Therefore, no one would imagine that some other structure be substituted for the purpose of opening and/or closing port 8.

The secondary reference relied upon, Sanders USP 5588562 shows and describes a tamper-proof bottle the novelty of which is to provide a double indication of tamper-proof. The structure on the bottle opening serves only to open or close the bottle top to allow or prevent outflow. There is only one valve to control the outflow, and it is either open or closed. Air equalization is automatic if the bottle is open. If closed and the valve leaks, it will leak to the environment. This structure is completely dichotomous with respect to the structure of the primary reference and offers no teaching or combination therewith. As noted no one would want to close port 8 as it would defeat its purpose.

Notwithstanding the forgoing, Applicant acknowledges that paint spray guns with paint receptacles or container mounted thereon have included a ventilation port to the container interior that is opened to enable ventilation or closed to cutoff ventilation. The present invention recognizes that fact, and thus the new claims have been formulated in Jepson form so that the improvement outlined above in detail can be more easily understood and appreciated. The improvement in essence provides a ventilation control structure that not only opens to enable ventilation or closes to cutoff ventilation, but serves the added function of providing backup in the event there is liquid leaking through the first valve into the ventilation pathway leading from the first valve to the second (backup) valve. The claimed improvement and structural limitations recited in new claims 18 to 25 are not present in the art of record and cannot be found in the cited prior art, taken singly or in any combination. Certainly, none of the cited art shows even generally the basic combination as claimed, and more important, none of the cited prior art recognizes the possible leakage of the first valve, or suggests that any measure be taken in the event of leakage of the first valve. Accordingly, it is earnestly solicited that

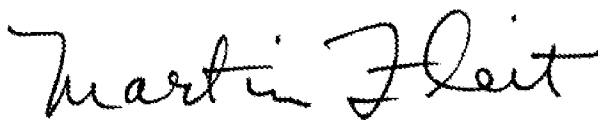
the new claims 18 to 25 recite a patentable invention, in terms of specific structural limitations, that is novel, useful and unobvious, and thus deserving of patenting.

As clearly evident, the new claims 18 to 25 of the application now presented patentably distinguish from the art cited of record. Accordingly, it is respectfully requested that the application be reconsidered and that new claims 18 to 25 presented by this Response to the Final Official Action be accepted as placing the application in condition for issue.

In light of the foregoing remarks, this application should now be in condition for allowance, and early passage of this case to issue is earnestly solicited. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time, time sufficient, to effect a timely response, and shortages in this or other fees, be charged, or any overpayment in fees be credited, to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 7400-X06-163).

Respectfully submitted,

A handwritten signature in black ink that reads "Martin Fleit". The signature is written in a cursive, flowing style.

Martin Fleit, Reg. #16,900

**FLEIT GIBBONS GUTMAN BONGINI & BIANCO PL**  
21355 East Dixie Highway, Suite 115  
Miami, Florida 33180  
Tel: 305-830-2600;  
Fax: 305-830-2605  
e-mail: MFleit@fggbb.com